

ORDINANCE NO. 2013-30

Amend Zoning Ordinance text

WHEREAS, the Jefferson County Board of Supervisors has heretofore been petitioned to amend the text of the Jefferson County Zoning Ordinance, and

WHEREAS, Petitions R3704T-14, R3706T-14 and R3707T-14 were referred to the Jefferson County Planning and Zoning Committee for public hearing on February 20, 2014, and

WHEREAS, the proposed amendments have been given due consideration by the Board of Supervisors in open session,

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does amend the text of the zoning ordinance of Jefferson County as follows:

REVOCATION OF CONDITIONAL USE PERMITS – Add to 11.05(a)7

Any Conditional Use Permit granted by the Planning and Zoning Committee may be revoked if it is found that the Conditional Use is not being conducted in compliance with the plans and specifications submitted with the application and subsequently approved, or is being operated in violation of the conditions of the Conditional Use Permit.

Revocation Process: The Planning and Zoning Committee will hold a public hearing following procedures set forth in paragraph 1. of this section, after providing written notice to the permittee of the Conditional Use Permit citing the violation or compliance issues with the permit.

The public hearing notice shall be sent out a minimum of ten (10) days prior to the public hearing and shall provide the date, time and location of the hearing. Notice shall also be provided to the Town Clerk and County Board Supervisor for the area, as well as all property owners within 500 feet for a residential-type conditional use and ¼ mile for a non-residential type. The notice shall include the reasons for the revocation.

Once notified in writing by the County, the permittee shall be allowed to present evidence on his/her behalf in writing and shall attend the public hearing.

After public hearing, the Planning and Zoning Committee may revoke or modify the Conditional Use Permit. (R3704T-14 – Jefferson County)

11.09 NONCONFORMING USES, STRUCTURES, AND LOTS - Modify

(a) Existing Nonconforming Uses. The lawful nonconforming uses of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued, some for specific periods of time, although the use does not conform with the provisions of this Ordinance; however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order so as to comply with the provisions of this Ordinance.

2. Total lifetime structural repairs or alterations shall not exceed fifty (50) percent ~~of the County's fair market value~~ of the structural members of the existing the structure with additions not exceeding 50% of existing foundation footprint whether vertical or horizontal, and the addition shall meet all setbacks; at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance. ~~[Amended 11/13/84, Ord. No. 84-15]~~ Any alteration, structural member replacement or repair or addition to a structure with an existing nonconforming use shall also meet all the requirements of Section 11.10 of the Jefferson County Zoning Ordinance, Jefferson County Floodplain Ordinance #14 and Wisconsin State Statute Chapter 87.30.

3. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(b) Abolishment or Replacement. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. ~~When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity~~ Replacement or reconstruction of a nonconforming structure or use shall meet Wisconsin Statutes Chapter 59.69(10m) which states, "Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

59.69(10m)(a)1.

1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.

59.69(10m)(a)2.

2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

59.69(10m)(b)

(b) An ordinance enacted under this section to which par. (a) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements." This section does not apply to floodplain structures or uses. See Jefferson County Ordinance #14 and Wisconsin Statutes Chapter 87.30 for applicable floodplain restrictions regarding damaged by flood."

~~or is dismantled for the purpose of reconstruction to the extent that restoration to its original dimensions and function would exceed fifty (50) percent of its current fair market value, it shall not be restored except to comply with all applicable provisions of this Ordinance and Ordinances No. 12 and 14. [Amended 4/16/85, Ord. No. 85-4]~~

A current file of all nonconforming uses shall be maintained by the Zoning Administrator listing the following: owner's name and address; use of the structure, land or water; and assessed value at the time of its becoming a nonconforming use.

(c) **Existing Nonconforming Structures.** The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered in excess of fifty (50) percent of ~~its current fair market value~~ the structural members of the existing structure with additions not exceeding 50% of existing foundation footprint whether vertical or horizontal and the addition shall meet all setbacks or go no closer to any side, rear or road setback. For an existing nonconforming structure located within any road right-of-way or existing over a lot line, no additions or alteration of structural members, not including ordinary maintenance, shall be permitted. Any alteration, structural member replacement or repair or addition ~~or repair~~ to any nonconforming structure shall also ~~within the floodplain shall be protected by floodproofing measures~~ meet all the requirements of pursuant to Section 11.10 of the Jefferson County Zoning Ordinance, Jefferson County Floodplain Ordinance #14 and Wisconsin State Statutes Chapter 87.30. ~~Section 11.10(g)2. [Amended 4/16/85, Ord. No. 85-4]~~

Note: For this section, a structural member includes the number of existing walls, foundation walls, floor and roof. Any alteration to a structural member qualifies for inclusion in the calculation of the 50% provisions. (R3706T-14 – Jefferson County)

Add in 11.02 DEFINITIONS

Adaptive Reuse of Barns: To be utilized under this definition in the ordinance the barn must be existing, and constructed prior to 1970.

Add in 11.04(f)7. A-2 Zone - Conditional Use.

(qq) Winery, tasting room, store

(rr) Farm store

(ss) Garden center with retail store

(tt) Recreational facility directly related to open space uses and the necessity for a rural location

(uu) Recycling operation (stand alone or add to salvage yard)

(vv) Landscaping business

Conditional Uses – These conditional uses are associated with adaptive reuse of barns as defined in the ordinance. Existing pre-1970 barns with a limitation for additions of no more than 25 percent of the existing footprint and no more than 25 percent replacement, modification or repair of existing structural members. However, as part of the conditional use process the Planning and Zoning Committee may consider replacement, modification or repair of the existing barn that exceeds this limitation if it meets the purpose and intent of this section. In addition, the limitations of Section 11.09 still apply. As a condition of approval the barn conversion shall meet all applicable Federal, State and Local Codes for the conversion to a public building and place of employment. Notice of approval from the State of Wisconsin shall be submitted to the Zoning Department prior to issuance of the Zoning and Land Use permit which is required for conversion of use.

(ww) Winery, tasting room, store

(xx) Antiques store

(yy) Farm store

(zz) Repair shop, machinery repair, auto repair, equipment repair, small engine repair

- (aaa) Garden center with store
- (bbb) Recreation facility
- (ccc) Office space
- (ddd) Recycling facility
- (eee) Conference center, banquet hall, event facility
- (fff) Storage- mini storage, personal storage
- (ggg) Classroom, educational facility, art studio
- (hhh) Tourist rooming house- would count as a residence under the A-3 regulations
- (iii) Butcher shop, food processor

Add in 11.04(f)5. AT Zone

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- (i) Winery, tasting room, store
- (j) Antiques store
- (k) Farm store
- (l) Repair shop, machinery repair, auto repair, equipment repair, small engine repair
- (m) Garden center with store
- (n) Recreation facility
- (o) Office space
- (p) Recycling facility
- (q) Conference center, banquet hall, event facility
- (r) Storage- mini storage, personal storage
- (s) Classroom, educational facility, art studio
- (t) Tourist rooming house- would count as a residence under the A-3 regulations
- (u) Butcher shop, food processor
- (v) Eating and drinking place

(R3707T-14 – Jefferson County)

Adopted by the Jefferson County Board of Supervisors this 11th day of March 2014.

s/John Molinaro

John Molinaro

Chair

ATTEST:

s/Barbara A. Frank

Barbara A. Frank, County Clerk

Published this 14th day of March 2014.

Ayes__voice vote__ Noes_____ Abstain_____ Absent_____ Vacant_____

Requested by
Planning & Zoning Committee

03-11-14

Deb Magritz 3-3-14; 03-03-06